

Exhibit A

John Francis Myklusch

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08:47:27 UNITED STATES DISTRICT COURT
08:47:27 FOR THE DISTRICT OF MASSACHUSETTS
08:47:27 -----

08:47:27 IN RE:

08:47:27 SONUS NETWORKS, INC.,
08:47:27 LITIGATION

08:47:27 Civil Action No.

08:47:27 04-10294-DPW

08:47:27 Lead Case
08:47:27 -----

08:47:27 9:30 a.m.

08:47:27 November 3, 2006

08:47:27 399 Park Avenue

08:47:27 New York, New York

08:47:27
08:47:27 DEPOSITION of JOHN FRANCIS MYKLUSCH, a
Witness in the above entitled matter, taken
pursuant to Notice, before Stephen J. Moore, a
Registered Professional Reporter, Certified
Realtime Reporter, and Notary Public of the
State of New York.

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09:42:49 1

JOHN MYKLUSCH

09:42:50 2

Q What is your position, for

09:42:50 3

shorthand is it okay if I refer to it as

09:42:51 4

Trilogy?

09:42:52 5

A That's fine.

09:42:54 6

Q What is your position at

09:43:05 7

Trilogy?

09:43:06 8

A I am the Chief Financial Officer

09:43:11 9

and I am the Chief Compliance Officer.

09:43:13 10

Q What are your duties and

09:43:16 11

responsibilities as Chief Financial Officer?

09:43:18 12

A It's the financial management of

09:43:21 13

Trilogy Global Advisors as an entity as it

09:43:33 14

relates to our current business plan, or our

09:43:35 15

current goals of the entity, so fiscal

09:43:38 16

management.

09:43:40 17

Q On a day-to-day basis what does

09:43:45 18

that entail?

09:43:51 19

A Interacting with my Comptroller

09:43:55 20

on different financial matters, reviewing

09:44:00 21

client contracts, ensuring appropriate payments

09:44:03 22

have gone in, fiscal matters are done in a

23

correct way, budgeting, it can be any one of a

24

number of fiscally related items.

25

Q You mentioned interacting with

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09:45:29 1

JOHN MYKLUSCH

09:45:37 2

we review -- talk to traders, we review trades,

09:45:38 3

we view guidelines in association with the

09:45:40 4

remainder of the Trilogy compliance staff.

09:45:42 5

Q What percentage of your time

09:45:45 6

would you estimate you spend on your duties as

09:45:48 7

Chief Compliance Officer?

09:45:59 8

A It varies. On a day-to-day

09:46:01 9

basis I would say my role is probably 50

09:46:03 10

percent each, on an average for a year.

09:46:03 11

Q How long have you been the Chief

09:46:07 12

Financial Officer?

09:46:12 13

A I have been the Chief Financial

09:46:15 14

Officer of Trilogy Global Advisors since it was

09:46:17 15

created.

09:46:19 16

Q So, you are currently employed

09:46:24 17

by Trilogy Global Advisors. Are you employed

09:46:25 18

by any other entities?

09:46:27 19

A Right now I am not.

09:46:31 20

Q Were you previously employed by

09:46:34 21

other entities?

09:46:36 22

A At the time in between when BPI

23

and Trilogy had merged completely up into

24

Trilogy Global Advisors, I would say that I had

25

a dual officer role of my titles within BPI

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09:46:50 1

JOHN MYKLUSCH

09:46:53 2

Global Asset Management, Trilogy Advisors and

09:46:58 3

Trilogy Global Advisors, although I did not

09:47:03 4

carry a Chief Compliance Officer title the

09:47:09 5

entire period of time that BPI Global Asset

09:47:10 6

Management and Trilogy Advisors were still

09:47:11 7

underneath Trilogy Global Advisors.

09:47:13 8

Q Does Trilogy Advisors still

09:47:15 9

exist?

09:47:17 10

A Trilogy Advisors has been merged

09:47:20 11

into Trilogy Global Advisors.

09:47:22 12

Q That was the entity that existed

09:47:30 13

and merged with BPI Global Asset Management?

09:47:32 14

A That's correct -- I'm sorry,

09:47:34 15

Trilogy Advisors and BPI in the process of

09:47:36 16

merging were deemed 100 percent of their equity

09:47:38 17

up into Trilogy Global Advisors.

09:47:44 18

So these entities didn't merge

09:47:46 19

directly together, they merged up into Trilogy

09:47:49 20

Global Advisors.

09:47:51 21

Q Who is your supervisor now?

09:47:52 22

A Right now I report to Carol

23

Holley, and Ryan Burrow.

24

Q Can you spell those names for

25

the record, please?

09:48:06 1

JOHN MYKLUSCH

09:48:07 2

A C-a-r-o-l H-o-l-l-e-y and

09:48:10 3

R-y-a-n B-u-r-r-o-w.

09:48:14 4

Q What are their positions?

09:48:19 5

A Ryan Burrow is a managing

09:48:22 6

director with Trilogy Global Advisors and he

09:48:27 7

sits on the board, Trilogy Global Advisors, and

09:48:31 8

Carol Holley is the Chief Operating Officer for

09:48:34 9

Trilogy Global Advisors and a managing director

09:48:38 10

of Trilogy Global Advisors.

09:48:42 11

As Chief Compliance Officer I

09:48:47 12

also report directly to the Board of Directors

09:48:53 13

of Trilogy Global Advisors on compliance

09:48:54 14

related issues as is required or as is desired

09:48:56 15

under the Compliance Officer rule.

09:48:59 16

Q Do you supervise anyone?

09:49:01 17

A I supervise two individuals

09:49:02 18

under me on the compliance side and two

09:49:03 19

individuals on the finance side.

09:49:07 20

Q Who are those individuals on the

09:49:08 21

finance side?

09:49:11 22

MR. CERA: I object. How does

23

this relate to what we are here about

24

which is the topics -- certain of the

25

topics in the notice?

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09:49:17 1

JOHN MYKLUSCH

09:49:18 2

Why does it matter? Where is the

09:49:22 3

relevance of it?

09:49:23 4

MS. COFFEY: You can go ahead and

09:49:28 5

answer the question.

09:49:41 6

A On the finance side Rose

09:49:43 7

Blechner who is the Comptroller and Camille

09:49:43 8

Whitsett.

09:49:47 9

Q What's Camille Whitsett's

09:49:49 10

position?

09:49:51 11

A Camille is a Vice President

09:49:59 12

with -- she is either a Vice President or an

09:50:00 13

associate currently, I am not sure as to which

09:50:05 14

title she currently holds.

09:50:07 15

Q So you have been employed by

09:50:08 16

Trilogy since the merger in 2004, correct?

09:50:10 17

A I was employed before that and

09:50:12 18

after that.

09:50:13 19

Q Right, and before the merger you

09:50:18 20

were employed by BPI?

09:50:19 21

A Trilogy Global, I have worked

09:50:23 22

for Trilogy Global Advisors.

23

MR. CERA: Go ahead, let him

24

finish.

25

A In 1999 I began working with

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09:50:42 2

Trilogy Advisors. When we merged I became a

09:50:48 3

dual officer and dual titles with BPI and

09:50:49 4

Trilogy Advisors and Trilogy Global Advisors

09:50:51 5

and I hold the majority of those titles today.

09:50:53 6

Q So in 1999 when you began

09:50:54 7

working with Trilogy Advisors what was your

09:51:00 8

position?

09:51:04 9

A I was the Chief Financial

09:51:08 10

Officer and Compliance Officer, and I did not

09:51:12 11

take on a Chief Compliance Officer role until I

09:51:14 12

believe it was mandated by the rule that the

09:51:16 13

SEC has most recently passed regarding that.

09:51:17 14

Q Did those positions change prior

09:51:18 15

to the merger?

09:51:20 16

A Do you mean did the titles

09:51:22 17

change?

09:51:27 18

Q Yes.

09:51:30 19

A I believe the rule required

09:51:31 20

was -- I believe the rule for Chief compliance

09:51:33 21

officers predated our merger, so yes.

09:51:35 22

Q Otherwise were there any changes

23

in your titles prior to the merger?

24

A I most likely have received some

25

merit increases, I believe I started as a Vice

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Q To your knowledge was that the certification filed with the lead Plaintiff motion?

A I do not know which document it was entirely, but it was a document that was filed with the court.

Q Anything else that you reviewed that refreshed your recollection?

A None that I can recall.

Q Have you spoken with anyone else about this case?

A I have spoken probably to people that I know and I also had a conversation with counsel about --

MR. CERA: Wait, wait, wait, you don't have to reveal the substance of conversations with counsel.

Q And I wouldn't ask you to do that. When you say people that you know --

A Contacts in the industry, just about this type of legislation and law, just doing due diligence on my own behalf about what is involved in the process and what to expect and what other people have seen.

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10:06:50 1

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10:06:56 2

A During the period from the

10:06:59 3

merger up until the period in which he departed

10:07:04 4

from the company he was employed, I don't want

10:07:06 5

to say the entire time, but his role was

10:07:08 6

primarily Chief Compliance Officer.

10:07:27 7

Q When did he leave Trilogy?

10:07:28 8

A I don't know the exact date, but

10:07:31 9

I believe it was the fourth quarter of 2005.

10:07:33 10

Q During the period Charles

10:07:35 11

Sweeney was Chief Compliance Officer you were

10:07:37 12

not holding that position?

10:07:38 13

A That's correct.

10:07:45 14

Q So when in 2004 did the merger

10:07:53 15

happen?

10:07:54 16

A It happened on May 31, 2005.

10:07:56 17

Q 2005.

10:07:58 18

To your knowledge what is

10:08:01 19

Charles Sweeney's reputation?

10:08:02 20

MR. CERA: I object to the form,

10:08:05 21

calls for speculation.

10:08:06 22

A I do not --

23

MR. CERA: Vague, ambiguous.

24

Q What are your impressions of

25

Mr. Sweeney?

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10:24:12 1

JOHN MYKLUSCH

10:24:15 2

be.

10:24:17 3

**Q When did you become aware of the
Sonus lawsuit?**

10:24:21 4

10:24:27 5

A I am not certain, although it

10:24:29 6

would have -- somewhere between six months

10:24:32 7

before and six months after we merged.

10:24:34 8

Q Who made you aware of the Sonus

10:24:36 9

case?

10:24:38 10

A It was either Chuck Sweeney or

10:24:39 11

Michael Kileen.

10:25:00 12

Q Can you spell that last -

10:25:03 13

Michael's last name?

10:25:03 14

A K-i-l-e-e-n.

10:25:05 15

Q What is Michael Kileen's

10:25:07 16

position?

10:25:15 17

A I believe he's the Chief counsel

10:25:16 18

of CI, although I don't think that's his exact

10:25:19 19

title.

10:25:21 20

Q Why were you discussing the

10:25:28 21

Sonus case with Michael Kileen?

10:25:30 22

MR. CERA: You know, let me just

23

think about this for a moment.

24

I'm not sure that his conversations

25

with the Chief counsel of CI is a subject

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10:26:26 1

JOHN MYKLUSCH

10:26:28 2

Q Why did you speak with

10:26:30 3

Mr. Sweeney about the Sonus case?

10:26:32 4

A Because I would consider him to be one of the more knowledgeable persons about what had gone on or where the case stood or the positions that BPI had.

10:26:35 5

10:26:36 6

10:26:41 7

10:26:44 8

Q Have you read the complaint in this case?

10:26:47 9

10:26:48 10

10:26:49 11

10:26:50 12

A I have read the complaint, I don't know if I read every word, but I read the majority of it.

10:26:53 13

10:26:54 14

Q Do you know the basic allegations?

10:27:00 15

A I do know the basic allegation.

10:27:09 16

Q Could you describe it?

10:27:12 17

10:27:21 18

10:27:24 19

10:27:31 20

10:27:32 21

10:27:36 22

A My understanding is that Sonus had made what were allegedly misstatements in securities filings and there are instances of -- alleged instances of revenue manipulation inside of these filings which required restatements to these filings.

23

24

25

Q Do you know how BPI Global came to be a Plaintiff in this case?

A I was not affiliated at the

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10:27:42 1

JOHN MYKLUSCH

10:27:43 2

time, so no.

10:27:45 3

Q

Do you know where the lawsuit is

10:27:45 4

pending?

10:27:48 5

A

In Boston, I believe.

10:27:49 6

Q

Do you know if it's state or

10:27:53 7

federal court?

10:27:55 8

A

I believe the charges are --

10:27:56 9

securities are federal, so it would have to be

10:27:57 10

a federal court.

10:28:00 11

Q

Do you know what the status of

10:28:03 12

this case is?

10:28:04 13

A

I believe it is awaiting class

10:28:05 14

action certification, which is where it stands

10:28:10 15

today.

10:28:13 16

Q

Do you know the name of the

10:28:16 17

judge?

10:28:17 18

A

I know it starts with a W, I

10:28:19 19

don't recall his exact last name.

10:28:20 20

Q

Do you know if there has been a

10:28:32 21

trial set in this case?

10:28:35 22

A

I believe there has been a date

23

set for February next year.

24

Q

Other than Mr. Sweeney, have

25

you -- and Mr. Kileen, have you spoken to

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anyone else about this litigation?

A I discussed earlier that I discussed this litigation with several colleagues in the industry.

Q Anyone else other than Mr. Cera and Ms. Markert?

A I would say the management of Trilogy has been kept apprised at a generic level of the case.

Q What has your involvement in this case thus far entailed?

MR. CERA: I object to form. Go ahead.

A I would say from the point in which I picked it up, the two matters that I was involved most closely with were the interrogatories which are mentioned in this document in front of me, and the document collection.

Q Anything else?

A Probably had a number of conversations with counsel surrounding the Sonus case, in particular when I picked up after Chuck had left the company, I had a

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number of discussions about the status of the case, where we stood with counsel.

Q Anything else?

A I would say that's a fair assessment.

Q Other than the time you spent preparing for your deposition and any travel, likely not much, you needed to come here, how much time have you spent on this lawsuit?

MR. CERA: I object to form.

A I would say the document collection probably took up a decent amount of my time, it was a pretty comprehensive process.

It's difficult to figure out exactly how much time, but it was substantial enough so it took me away from a number of other things.

Q Do you have any estimate as to how much time that was?

A Somewhere between a week and three weeks spread over a period of time of my involvement.

Q Other than in preparing for your deposition, have you reviewed any documents in

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this case?

MR. CERA: I object to form.

A Interrogatories.

MR. CERA: I mean he's already previously told you he reviewed the order of May 2006. He said he reviewed the complaint, are you asking in addition to those matters if he's reviewed the document request?

MS. COFFEY: Is that an objection?

MR. CERA: Yes, because I think it's been asked and answered. Are you asking in addition to those items?

Q As I said, other than the documents you reviewed in preparation for this deposition, have you reviewed any other documents in your involvement in this case?

A Chuck Sweeney had kept a file with all the documents he had on the Sonus case, I think at the time of my inception of my involvement I probably reviewed the entire file.

I could not tell you what is in

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that file today.

Q You've been involved in document collection efforts?

A That's correct.

Q Have you reviewed any of the documents collected?

A I reviewed some of the documents that were collected, but I have not reviewed all of the documents that were collected.

Q Who else reviewed the documents that were collected?

A I would have to assume counsel reviewed the documents that were collected, and then have to assume the individuals who were assigned to assist the document collection process reviewed those documents as they were obtained.

Q Who were the individuals assigned to assist with the document collection process?

A Evelyn Jones, Ellen Miller, Arroyo, I am going to mispronounce her name, its Guardine, I would need to get the spelling, I don't have it offhand, and Jason Human.

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Q How do you spell his name?

A H-u-m-a-n.

In addition, Carol Holley was involved, more from directing the process, and Stephen Steffy was involved in directing the process.

I have to assume that when we gave counsel the ability to interview whoever she felt necessary, Pamela Markert was in that office, that a number of other people in that office were also spoken to and were involved in some form or fashion.

Q When did you give counsel the ability to interview whoever counsel felt necessary?

MR. CERA: Objection to the form.

A Pamela Markert visited the 1900 Summit Tower Office, I was actually there for at least one of the days, although I do not recall which day it was.

My understanding is counsel was there for the entire week.

Q Approximately when was that?

A I do not remember. Beginning of

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10:44:02 1

JOHN MYKLUSCH

10:44:04 2

the investment person, so not the trader.

10:44:09 3

Q Who is the trader?

10:44:11 4

A His name was Kyle, Kyle Anderson
was his name.

10:44:11 5

10:44:17 6

**Q What was Dan Jaworski's
position?**

10:44:19 7

10:44:22 8

A My understanding is CIO.

10:44:24 9

Q What about John Sorenson?

10:44:33 10

A I do not know the titles of the
remainder of those individuals.

10:44:41 11

10:44:42 12

Q Or Paul Holland?

10:44:47 13

A No.

10:45:48 14

**Q We have been talking about this
merger between -- can we go off the record.**

10:45:49 15

10:45:53 16

(Discussion off the record.)

10:45:54 17

MS. COFFEY: We can go back on

10:45:59 18

the record now.

10:46:03 19

Q Perhaps it's a good time to

10:46:07 20

clarify, does BPI Global currently exist?

10:46:10 21

A BPI Global Advisors was merged
up and into Trilogy Global Advisors, but in the
merger agreement we left a stipulation so that
lawsuits in its name could proceed in its name.

10:46:15 22

23

24

25

Q Other than that stipulation does

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11:54:05 1

JOHN MYKLUSCH

11:54:06 2

Plaintiff's response to interrogatory number 8.

11:54:08 3

11:54:11 4

What was the process for
responding to this interrogatory?

11:54:17 5

11:54:18 6

11:54:20 7

A This is the document discovery
process which we feel was a pretty
comprehensive process.

11:54:21 8

11:54:23 9

11:54:25 10

11:54:27 11

11:54:29 12

Q Interrogatory number 10,
identify any fee arrangement or agreement
between you and any person regarding the
payment of attorneys' fees or costs in this
action.

11:54:31 13

11:54:34 14

11:54:36 15

11:54:37 16

The response references a
responsive document which I believe is the fee
arrangement, the engagement letter between BPI
and Mr. Cera's law firm.

11:54:38 17

11:54:40 18

11:54:42 19

Are you aware of any other fee
arrangement or fee agreement?

11:54:43 20

11:54:46 21

11:54:50 22

Q What was done to respond to this
request?

23

24

25

A I had seen that letter and my
understanding is a copy -- I believe a redacted
copy of that letter was provided.

Q Was there any investigation into

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11:57:12 1

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11:57:12 2

record.

12:35:18 3

12:35:19 4

12:35:20 5

(At this point in the proceedings there was a luncheon recess, after which the deposition continued as follows:)

12:35:22 6

12:35:23 7

12:35:27 8

12:35:28 9

12:35:30 10

12:35:32 11

MR. CERA: Before we begin, I wanted to say that we have considered your request that you be allowed to inquire into the communications with Mr. Kileen and you may go ahead and do so.

12:35:35 12

12:35:38 13

12:35:40 14

12:35:43 15

12:35:46 16

12:35:48 17

12:35:50 18

12:35:51 19

12:35:53 20

12:36:01 21

12:36:02 22

MS. COFFEY: Okay, thank you.

Q Mr. Myklusch, welcome back, I hope you had a good break.

Let's return to that now, the issue of your conversations with Michael Kileen who was counsel for CI Mutual Funds regarding this litigation.

What was the substance of your conversations with Mr. Kileen?

A We had discussions regarding the broad strokes of the Sonus suit.

23

Q How many discussions occurred?

24

A I think we had two discussions regarding Sonus.

25

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12:36:07 1

JOHN MYKLUSCH

12:36:09 2

Q Who initiated those discussions?

12:36:09 3

A I did in both instances.

12:36:12 4

12:36:17 5

Q Why did you initiate those discussions.

12:36:21 6

12:36:23 7

12:36:28 8

12:36:31 9

12:36:35 10

12:36:41 11

12:36:43 12

12:36:45 13

12:36:47 14

12:36:50 15

12:36:53 16

12:36:55 17

12:36:58 18

Q Why did you, regarding you picking up where Mr. Sweeney left off, why did you speak to Mr. Kileen instead of Mr. Sweeney at that time?

12:37:02 19

12:37:05 20

12:37:11 21

12:37:16 22

23

24

25

MR. CERA: I object to the form.

A CI had owned a very large stake in BPI, would have been involved in the matter in some form or fashion, and I wanted to understand that he did know about the case and what he knew about the case, just very general what's out there.

Q Do you remember specifically

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what was said during either of your
discussions?

A I really have no knowledge. I
know we talked about Sonus in generalities, I
don't think there was anything specific, but as
to the context of what we actually talked
about, I really don't know. I don't remember.

Q Why did you solicit Mike
Kileen's help regarding the document
collection?

A Because a number of the funds
are CI funds, and it seemed to be an excellent
way for us to ensure we had all the documents
or as many of the documents as we could bring
to the table.

Q What assistance did he provide
you?

A They searched, I'm not certain
to the extent of the procedures that he or
people that worked for him went through.

I do know, however, that they
did deliver to us a number of documents.

Q What were the documents that
they delivered to you?

10:42:54 1

JOHN MYKLUSCH

12:42:57 2

documents, I don't think so.

12:42:59 3

Q Can you walk me through your

12:43:02 4

process in collecting documents?

12:43:04 5

MR. CERA: Asked and answered

12:43:04 6

previously at length.

12:43:09 7

You can go ahead and answer it

12:43:10 8

again.

12:43:11 9

A We identify a group of

12:43:13 10

individuals that would be best suited for

12:43:13 11

looking for documents in here.

12:43:15 12

Q That's the document collection

12:43:17 13

team?

12:43:19 14

A The document collection team,

12:43:21 15

some of the individuals were people that would

12:43:26 16

actually be doing the looking, some of the

12:43:30 17

people were people we would talk to about

12:43:34 18

either we or I talked to about how, where we

12:43:37 19

should be looking for these documents.

12:43:42 20

We provided counsel with every

12:43:45 21

single backup tape, computer backup tape we

12:43:49 22

could find on our premises -- I'm sorry, in the

23

Florida office those are tapes that would have

24

backed up BPI's systems.

25

I believe counsel has gone

12:43:56 1

JOHN MYKLUSCH

12:44:01 2

through a pretty arduous process of recovery

12:44:03 3

and examining those, and I believe those were

12:44:04 4

provided in -- were provided in there to

12:44:07 5

counsel already, provided to you already.

12:44:08 6

Q When did you provide counsel

12:44:10 7

with those backup tapes?

12:44:14 8

A I don't know the exact date,

12:44:15 9

although I believe it was at the same time

12:44:17 10

which counsel visited the Florida office.

12:44:18 11

Q When do you think that was?

12:44:21 12

A I do not recall the date.

12:44:22 13

Q Was it after you had begun the

12:44:26 14

document collection process?

12:44:27 15

A I believe I had received this

12:44:29 16

document prior to counsel's appearance in our

12:44:30 17

Florida office.

12:44:32 18

Q Do you have any sense of how

12:44:33 19

much time passed between when you received this

12:44:40 20

document and when counsel arrived at your

12:44:41 21

Florida office?

12:44:43 22

A No, I don't.

23

Q Now, you mentioned on the

24

document collection team some of those people

25

were the ones who, I think in your words,

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14:40:55 1

JOHN MYKLUSCH

14:40:55 2

MS. COFFEY: I think those are

14:40:56 3

all my questions, do you have additional

14:40:59 4

questions?

14:40:59 5

MR. MATULE: I just have a

14:40:59 6

handful of questions.

14:41:03 7

14:41:05 8

EXAMINATION BY MR. MATULE:

14:41:07 9

14:41:07 10

MR. CERA: This is counsel for

14:41:12 11

Mr. Nill.

14:41:17 12

Q Matt Matule of Skadden, Arps,

14:41:19 13

Slate, Meagher & Flom, Boston on behalf of

14:41:21 14

Stephen Nill.

14:41:23 15

Mr. Myklusch, do you know who

14:41:29 16

Stephen Nill is?

14:41:32 17

A I know that Stephen Nill was a

14:41:33 18

control person within Sonus, I believe he was

14:41:36 19

the CFO.

14:41:40 20

Q What do you mean by he was a

14:41:42 21

control person?

14:41:58 22

A CFO would be a listed officer,

23

he had the ability to control operations of the

24

company.

25

Q Is that how you view your role

14:44:28 1

JOHN MYKLUSCH

14:44:33 2

case.

14:44:50 3

Q Mr. Myklusch, is it your

14:44:52 4

contention in this case that the restatement at

14:44:58 5

Sonus in July of 2004 was as a result of fraud?

14:45:00 6

A Revenue manipulation would be a

14:45:02 7

fraud, so yes, I think the primary driver is a

14:45:05 8

fraud at issue.

14:45:08 9

Q Are you aware of any facts

14:45:09 10

supporting such contention that there was

14:45:11 11

fraud?

14:45:14 12

A I know the broad strokes of the

14:45:17 13

case, but I do not know the exact details

14:45:18 14

behind the exact specific instances or frauds

14:45:20 15

that are alleged.

14:45:22 16

Q It's fair to say, is it not,

14:45:23 17

that you don't have any personal knowledge

14:45:24 18

about any of the allegations in the Complaint?

14:45:28 19

MR. CERA: Well, hold on a

14:45:29 20

second.

14:45:32 21

That's overbroad. Any of the

14:45:34 22

allegations like the Plaintiff purchased

23

Sonus securities?

24

I mean are you talking about the

25

underlying charging allegations of

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14:46:34 1

JOHN MYKLUSCH

14:46:36 2

Q (Continuing) -- whether you

14:46:40 3

have any personal knowledge of any of the

14:46:43 4

allegations in the Complaint?

14:46:50 5

A If your question is asking me

14:46:56 6

whether I am aware of the specific allegations

14:46:58 7

or any of the specific specifics of the case in

14:46:59 8

that layer of detail, then the answer is no.

14:47:00 9

Q Do you know who Peter Hemme

14:47:06 10

is?

14:47:08 11

A I believe Peter Hemme is the

14:47:13 12

Comptroller of Sonus.

14:47:14 13

Or was the Comptroller, I'm

14:47:16 14

relatively sure he's not today.

14:47:19 15

Q Do you have any personal

14:47:57 16

knowledge of any of the allegations that are

14:48:06 17

made against Mr. Hemme?

14:48:09 18

A I do not.

14:48:17 19

Q Who is the individual at BPI or

14:48:21 20

Trilogy who has primary oversight

14:48:22 21

responsibility for this litigation?

14:48:24 22

A How would you define oversight?

23

Q What do you understand by that

24

term?

25

A If you mean the ability to make

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JOHN MYKLUSCH

decisions on a going forward basis, would that be a fair -- so if something were to come about that required a decision by BPI or Trilogy that this person would have that ability, is that --

Q I will take that.

A I would say the two individuals that I report to, both Carol Holley and Ryan Burrow, would be the people that I would look to inform, in conjunction with counsel, what our potential decisions are and then depending on what they felt, they could then make that decision.

Q Do you have any understanding as to how much time either of those individuals have spent providing such oversight for this litigation?

MR. CERA: I object to form.

A No, I don't know offhand.

Q Do you understand that either you or those individuals have such responsibility to oversee the conduct of lead Plaintiff counsel?

A Yes, we understand that we need to watch over the case to make sure the case is

John Francis Myklusch

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14:49:56 1

JOHN MYKLUSCH

14:49:58 2

progressing in a reasonable manner, to stay
involved.

14:50:01 3

14:50:07 4

Q You mentioned the May 2006 order
of the court previously, do you remember that?

14:50:12 5

14:50:17 6

A Yes.

14:50:18 7

14:50:21 8

Q Are you aware that the Section
10(a) and 10(b) (5) claims against my client
were dismissed?

14:50:27 9

14:50:33 10

A I do -- I was made aware by

14:50:37 11

counsel that several claims for both Mr. Amed
and Mr. Nill were not upheld by the judge, but
that it's my recollection that several of the
issues were allowed to proceed.

14:50:39 12

14:50:41 13

14:50:42 14

14:50:42 15

MR. CERA: Can I hear the answer
back, I just didn't hear.

14:51:07 16

14:51:10 17

(The answer requested was read back
by the reporter.)

14:51:12 18

14:51:17 19

Q Which claims are you aware that
survived the motion to dismiss?

14:51:20 20

14:51:23 21

A I am not aware of which claims
were allowed to survive.

14:51:27 22

23

24

25

Q Is there anyone within either
Trilogy or BPI that would be aware of the
status of the case vis-a-vis what claims have

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14:51:32 1

JOHN MYKLUSCH

14:51:34 2

been upheld and what claims have been

14:51:40 3

dismissed?

14:51:43 4

A We rely on counsel to keep us

14:51:55 5

apprised and to tell us what we need to know in

14:52:25 6

relation to the case, to provide us with an

14:52:37 7

appropriate QA, both, we can ask counsel where

14:52:42 8

the case is proceeding.

14:52:43 9

Q Are you aware of how BPI Global

14:52:44 10

came to engage the Gold Bennett firm?

14:52:45 11

MR. CERA: That was asked and

14:52:46 12

answered previously. You can go ahead

14:52:48 13

and answer.

14:52:50 14

MR. MATULE: It was some time

14:52:52 15

ago. I ask your indulgence.

14:52:57 16

A I was not affiliated with BPI at

14:53:00 17

the time, so I do not know the exact procedures

14:53:05 18

that we went through to engage counsel.

14:53:09 19

Q Have you since come to know?

14:53:12 20

A I, upon taking over my portion

14:53:16 21

of the case, taking over the responsibility to

14:53:20 22

keep the members of Trilogy informed and

23

follow-up on the case, did have a discussion

24

with counsel about themselves, their

25

qualifications and the case as it stood so far.

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DAVID B. GOLD
(1926-1994)

January 18, 2007

VIA E-MAIL PDF

Justin Kemler
Court Reporting Video Production
LegaLink, A Merrill Communications Company
101 Arch Street 3rd Floor
Boston, MA 02110

Re: *In re Sonus Networks Litigation*
November 3, 2006 Deposition Transcript of John Francis Myklusch

Dear Mr. Kemler:

On November 29, 2006, we sent you a letter regarding our concerns about the above-referenced transcript originally e-mailed to us on November 22, 2006. While some corrections were made in the revised transcript received by this office on December 20, 2006, several errors remain. According to an email from Donna Barretto of your office, no audiotape was made by the court reporter. Testimony and statements by counsel are effectively lost, and we are left to rely on the recollections of the counsel and deponent who were present. While it is impossible to identify every statement missing from the record, below are objections to the transcript by counsel for Lead Plaintiff.

<u>Page/Line</u>	<u>Error/Omission</u>
	Missing Text
84:22 (originally at 84:14)	Mr. Cera made an objection, but was interrupted by Mr. Matule, who then stated, "I'm sorry, go ahead." Mr. Cera's initial objection is missing.

January 18, 2007

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<u>Page/Line</u>	<u>Error/Omission</u>
141:22 (originally at 141:12)	The transcript refers to a discussion off the record. This is incorrect. I do not recall making a request to go off the record, and the original transcript sent to our office on November 22, 2006 did not state such a request had been made. I made a detailed objection to Ms. Coffey's questioning of the witness about defendants' request for documents that is missing from the transcript. Counsel for the parties had previously engaged in a lengthy meet and confer about requests for documents and agreed to limit the scope of the documents that would be provided in response to several requests. My statement on the record that the deponent be questioned on the scope of documents to be produced, which were agreed upon subsequent to the initial document requests, and Ms. Coffey's response, are missing in their entirety. The missing dialogue between counsel is critical. We object to the subsequent change to the revised transcript and restate our objection that the dialogue between counsel was improperly omitted by the court reporter.
185:5-6 (Originally at 184:17-18)	While the objection has been added to the record, a portion of the statement attributed to me is unintelligible. There appears to be a transcription error, "I want to again remember we had a meet and confer on this. . ." should say, "I want to again remind everyone we had a meet and confer on this. . ."

In addition to the objections above, Mr. Myklusch has noted the following errata.

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>	<u>REASON</u>
9	19	change "Comptroller" to "Controller"	Transcription error.
10	4	" "	
14	7	" "	
205	12	" "	
205	13	" "	
10	17	"and the compliance related" should be "and other compliance related"	Clarification
12	11	"into Trilogy" should be "with and into Trilogy"	Clarification

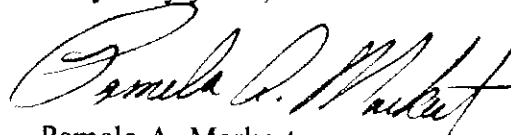
January 18, 2007

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12	16-17	"deemed 100 percent of their equity up into Trilogy" should be "contributed their interests in exchange for membership interests in Trilogy"	Clarification
18	7-8	"I believe a number of my training I received when" should be "I believe I received my training when"	Transcription error
37	11	"under the law" should be "under U.S. law.	Clarification
93	17-18	"an interview" should be "interviews"	Transcription error
49	23	"Arroyo" should be "Orea"	Spelling error
87	22	" "	" "
120	13-14	" "	" "
121	17	" "	" "
49	23	"Guardine" should be "Guyadeen"	Spelling error
87	22	" "	" "
120	13	" "	" "
42	14	"K-i-l-e-e-n" should be "K-i-l-l-e-e-n"	Spelling error

Please ensure that my November 29 letter, Ms. Barretto's email (copy attached) and this letter are included with the certified copy of Mr. Myklusch's deposition transcript.

Very truly yours,



Pamela A. Markert

Encls: November 29, 2006 Letter
December 14, 2006 e-mail

cc: Solomon B. Cera, Esq.
Matthew J. Matule, Esq.
James Prendergast, Esq.
John Baraniak, Esq.
Melissa Coffey, Esq.

PAM:keg

#116163